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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,154	03/19/2004	Bruno Meyer	032553-041	6405
21839	7590	09/06/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,154

Applicant(s)

MEYER, BRUNO

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 7/18/2005 has been entered.
2. The request for continues examination filed on 7/18/2005 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-5 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kauffmann (6,125,957).**

Kauffmann in figures 1-6, disclose a prosthetic apparatus for supporting a user in sitting or standing position comprising a wheel frame (12), a raising frame (44), a knee support (38), which is capable for resting a foot in sitting position, while elevate the foot of the user is not placing on a platform (figure 6). Kauffmann also discloses a lifting device (48) for adjusting a height level of the raising frame both in sitting and in a standing position. The raising frame comprises a seat (40) and a back rest (60), wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is constructed to have tubular frames (48) having upright frame members (14) being shown telescopically constructed to be adjustable in height that on

a lifting operation the raising frame is moved both upward and forward. The lifting operation elevates the footrest in relation to the wheel frame (figures 5-6).

Regarding claim 2, Kauffmann discloses a front edge of the seat, which is located at a distance from an axis around which the seat is rotated on raising.

Regarding claim 3, Kauffmann discloses the lifting device comprising on each side of the chair telescopic guide means.

Regarding claim 4, Kauffmann discloses the telescopic guide means having a forward inclination from bottom to top (as shown in figure 6).

Regarding claim 5, Kauffmann discloses the wheel frame, which is provided with a middle wheel drive (as shown in figure 1).

Regarding claim 8, Kauffmann discloses the seat comprising a front pad and a back part.

Regarding claim 9, Kauffmann discloses the lifting device comprising on each side of the chair telescopic guide means.

Regarding claim 10, Kauffmann discloses the telescopic guide means having a forward inclination from bottom to top.

Regarding claim 11, Kauffmann discloses the wheel frame, which is provided with a middle wheel drive.

Allowable Subject Matter

5. Claims 6-7 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 14 is allowed.

7. The following is an examiner's statement of reasons for allowance.

The prior art does not teach the raising chair as recited in claim 14, which includes a raising frame providing with a seat, a back rest, a foot rest, and a knee restraint. The seat being pivotable in relation to the foot rest. The raising chair also includes means to move the knee restraint forward when a raising motion of the raising frame takes place and a lifting device for adjusting a height level of the raising frame both in a sitting and in a standing position, wherein the lifting device extends from a front region of the wheel frame to a front region of the raising frame and is of such a construction that on a lifting operation the raising frame is moved both upward and forward. The lifting operation elevating the foot rest in relation to the wheel frame.. This recitation, in combination with the rest of the recited elements, clearly defines over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments


8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


8/30/05

Hau V Phan
Examiner
Art Unit 3618